



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SPECIAL TOWN MEETING

To the Constable of the Town of Maynard, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the voters of said Maynard, to assemble IN **FOWLER MIDDLE SCHOOL AUDITORIUM**, THREE TIGER DRIVE IN SAID town, on Monday, October 26, 2009 at 7:00 P.M. then and there to act on the following articles:

SPECIAL NOTICE TO VOTERS

On Monday, October 19, 2009 at 7:00 PM., a public hearing will be held at the Maynard Town Hall, Michael J. Gianotis Room, Room 201, to discuss with any citizen who desires further information, as to any special Articles in the Warrant to which the Finance Committee has made a recommendation. Explanation and discussion concerning these matters may be helpful in the interest of saving time at the Special Town Meeting. Your participation is welcomed.

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, such as wheelchair arrangements or signing for the hearing impaired, please contact the Office of the Selectmen at (978) 897-1301 by October 20, 2009 in order for reasonable accommodations to be made.

PROCEDURES AT TOWN MEETING

Order of Articles: Articles are voted on in the order they are presented unless Town Meeting votes to do otherwise.

Secret Ballot Votes: The Moderator determines whether or not an article requires a secret ballot according to Town By-laws. If the Moderator determines that an Open Vote applies to an article, at least 25 voters may request that a secret ballot vote be taken. The request for a secret ballot vote must be made prior to the open vote being taken.

Amending an Article at Town Meeting: Anytime after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion:

1. Ask the Moderator for recognition.
2. Present a motion to amend verbally and submit a copy of the motion in writing to the Moderator. The motion to amend must include your name as sponsor, any change in appropriation and its source.
3. The motion to amend must be seconded.
4. The motion to amend must be voted on by Town Meeting separately from the main motion.
5. The motion to amend must pass by a simple majority vote.
6. More than one motion to amend can be made to the main motion, but must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion, (or as amended), must be voted on.

Reconsider an Article: An article may be reconsidered, that is, revoted, **only** within thirty (30) minutes of the time that the main article (motion) was voted on. An article can only be reconsidered once. To reconsider:

1. Ask the Moderator for recognition.
2. Ask for reconsideration within the thirty (30) minute time limit. Moderator can now finish present business, which may go on beyond thirty (30) minute limit. However, Moderator shall take up the reconsideration as the next order of business.
3. At the proper time, present your motion for reconsideration and state your name.
4. At the Moderator's option, he can move the motion without further discussion.

NECESSARY MAJORITIES

9/10 majority is required for unpaid bills of prior fiscal years, (Special Town Meeting), that had no appropriation.

4/5 majority is required for unpaid bills of prior fiscal years, (Annual Town Meeting).

2/3 majority is required for all borrowing, land acquisitions or transfers and zoning by-laws.

Simple majority is required for all else, such as: regular by-laws, current appropriations and transfers, unpaid bills of prior years that has money appropriated but arrived too late to be included.

NOTE:

Yes and No votes only will be considered in the calculation of percentages. To figure the percentage, divide the Yes votes by the total Yes and No votes.

Example: 100 Yes, 50 No, and 20 Blanks shall be interpreted as:

$$\frac{100 \text{ Yes}}{100 \text{ Yes} + 50 \text{ No}} = 66.7\% \text{ or } 2/3$$

GLOSSARY OF TERMS USED AT TOWN MEETING

APPROPRIATE: The authority to tax and spend funds for the purpose stated.

ASSESSMENT: The estimated value of worth of a piece of property or a group of properties. Assessment of property is done within specific guidelines by the Board of Assessors.

BY-LAWS: The Town's guidelines – laws that cannot be deviated from “by-law”.

CHERRY SHEET: The state document that details the actual amount of state aid to the Town, and the charges the town must pay the state.

DEBT LIMIT: The maximum amount that a Town can borrow. In most cases, state law prohibits borrowing more than 5% of the total average valuation of taxable property. There are certain exceptions to this limit.

CERTIFIED FREE CASH: The amount of Surplus Revenue over and above uncollected taxes of prior years, certified by the Director of Accounts as of June 30th each year.

GENERAL FUND: Account from which all transactions are made, pay bills, collections, etc.

OVERLAY: The amount raised by the Assessors in excess of anticipated expenditures (appropriations and charges) to cover abatements, etc.

OVERLAY RESERVE: The accumulated amount of the Overlay for various years not used may be used for extraordinary expenses or Reserve Fund. Unused Overlay Reserve must be returned to Surplus Revenue.

RESERVE FUND: Fund under the control of the FinCom to provide for extraordinary or unforeseen expenditures, may only be appropriated at Annual Town Meeting.

SURPLUS REVENUE: The amount by which cash, accounts receivable, and other current assets exceed liabilities and reserve.

STABILIZATION FUND: A savings account. Each year an amount not exceeding 10% of the preceding years' taxation of real and personal property may be appropriated. This fund is intended for purchasing capital items, which the town would otherwise borrow for.

ARTICLE ONE: OPTIONAL ADDITIONAL EXEMPTION

To see if the Town will vote to set the exemption for Clause 17D, Clause 22, Clause 37A, at 100% of the allowable personal exemption amount in accordance with M.G.L. Chapter 59 Sec 5.

To do or act thereon.

SPONSORED BY: Board of Assessors
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

This option is an annual decision and must be approved by town meeting. The decision to grant the additional exemption must be made before the approval of the tax rate for the year. This vote would be for FY 2010. The information was supplied from the Department of Revenue 101 Handbook, Chapter 7 as required by State law. These additional exemptions were approved for Fiscal Year 2009. This article is intended to continue these additional exemptions. Listed below are descriptions and examples of the exemption clauses being addressed:

Descriptions:

17D Elderly, Surviving Spouses, Minor whose father is deceased
22 Veterans and surviving spouses
37A This exemption is available to certain individuals that are legally blind.

Examples:

(6) Maynard residents approved for a Clause 17D exemption in FY 2009 received \$255.61. A vote to adopt the optional 100% allowable amount would increase this exemption to \$511.22. The upfront difference to the town based on FY09 would be approximately \$1,533.66.

(36) Maynard residents approved for a Clause 22 exemption in FY 2009 received \$400. A vote to adopt the optional 100% allowable amount would increase this exemption to \$800. The upfront difference to the town based on FY09 would be \$14,400.

(7) Maynard residents approved for a Clause 22E exemption in FY 2009 received \$1,000. A vote to adopt the optional 100% allowable amount would increase this exemption to \$2,000. The upfront difference to the town based on FY09 would be \$7,000.

(4) Maynard residents approved for a Clause 37A exemption in FY 2009 received \$500. A vote to adopt the optional 100% allowable amount would increase this exemption to \$1,000. The upfront difference to the town based on FY09 would be \$2,000.

(34) Maynard residents approved for a Clause 41C exemption in FY 2009 received \$1,000. This exemption is already at the optional 100% allowable amount. No vote required; no upfront difference to the town.

ARTICLE TWO: ASSABET RIVER RAIL TRAIL APPROPRIATION

To see if the Town will vote to appropriate twenty thousand dollars (\$20,000) from the Budgeted Reserve Fund of the Community Preservation Fund to support design and land acquisition for the Assabet River Rail Trail, in accordance with the requirements of Massachusetts General Laws Chapter 44B:

To do or act thereon.

SPONSORED BY: Community Preservation Committee
APPROPRIATION: \$20,000
FINCOM RECOMMENDATION: Recommends

Comments: This appropriation will provide a 20% design match for Federal High Priority Project Funds awarded for the Assabet River Rail Trail and has been recommended out of round by the Community Preservation Committee (CPC).

ARTICLE THREE: ARRT EASEMENT FUNDING

To see if the Town will vote to appropriate forty thousand dollars (\$40,000) from the Budgeted Reserve Fund of the Community Preservation Fund to acquire easements in all or a portion of the parcels identified under Article 22 of the May 18, 1998 Annual Town Meeting, in connection with the Assabet River Rail Trail in accordance with the requirements of Massachusetts General Laws Chapter 44B;

and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments necessary to effectuate this vote; or take any action relative thereto;

To do or act thereon.

SPONSORED BY: Community Preservation Committee
APPROPRIATION: \$40,000
FINCOM RECOMMENDATION: Recommends

Comments: This article is necessary to obtain proper easements for the design and construction of the Maynard portion of the Assabet River Rail Trail. This has been recommended out of round by the Community Preservation Committee.

ARTICLE FOUR: FY2010 BUDGET AMENDMENT

To see if the Town will vote to amend the FY2010 Operating Budget as follows:

FY010 Proposed Operating Budget Amendments

DEPT.	ACCOUNT NAME		APPROVED		RECOMMENDED	
			LINE ITEM	LINE ITEM	AMENDMENTS	
			FY 2010	FY 2010		DIFFERENCE
135	TOWN ACCTNT - SALARY	135-1111	112,318.00	100,318.00		(12,000.00)
135	TOWN ACCTNT - EXPENSES	135-2222	3,500.00	15,500.00		12,000.00
149	TREASURER/COLLECTOR - SALARY	149-1111	140,723.85	128,723.85		(12,000.00)
149	TREASURER/COLLECTOR EXPENSE	149-2222	52,440.00	64,440.00		12,000.00
TOTAL BUDGET AMENDMENT						0.00

For an amended Total Operating Budget of \$29,230,513 for fiscal year 2010; and further to raise and appropriate from taxation the sum of \$28,992,413, appropriate from Ambulance Receipts the sum of \$198,100 and appropriate from Perpetual Care the sum of \$40,000 for a Total Operating Budget of \$29,230,513;

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$29,230,513.00
FINCOM RECOMMENDATION: Recommends

Comments:

These transfers are internal departmental transfers necessary to pay the CPA Firm acting as the Town Accountant and the Treasurer/Collector in the interim period before these positions are permanently filled. This article is a transfer and not an appropriation of additional funds.

ARTICLE FIVE: COMMUNITY GARDENS APPROPRIATION

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide six hundred dollars (\$600) or any other sum appropriate to the Maynard Community Gardeners;

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$600.00
FINCOM RECOMMENDATION: At Town Meeting

Comments:

This appropriation is intended to assist the Maynard Community Gardeners with the many community enhancement projects they do throughout the community.

ARTICLE SIX: FY2010 SALARY ADMINISTRATION PLAN

To see if the Town, under the authority of Section 108A of Chapter 41 of the General Laws, will vote to amend the Maynard Salary Administration Plan by deleting the present Section 19 entirely and adding a new Section 19 as printed in the warrant;

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

SALARY ADMINISTRATION PLAN--FY 2010

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
PART TIME EMPLOYEES												
POLICE DEPARTMENT												
Police Station Janitor	\$15.15	per hour										
Police Matron	\$15.92	per hour										
OFFICE OF ASSESSORS												
Board members	\$1,000.00	annually										
OFFICE OF THE BOARD OF HEALTH												
Milk and Restaurant Inspector, per day	Fee Basis											
Agent Investigator, per day	\$375.00											
Burial of Animals	\$135.00											
Plumbing Inspector	Fee Basis											
Assistant Plumbing Inspector	Fee Basis											
Inspector of Slaughtering	No Salary											
LIBRARY DEPARTMENT												
Library Page	\$8.50	per hour										
Story Teller	\$15.81	per hour										
Part-time Help	\$10.55	\$11.16	\$11.78	\$12.40	\$12.71	\$13.02	\$13.33	\$13.63	\$14.26	\$14.62	\$14.99	\$15.36
PUBLIC WORKS DEPARTMENT												
Inspector of Sub Divisions	Rate set by DPW											
Utility Worker: Snow shoveller, summer	\$8.95 per hour											
RECREATION DEPARTMENT												
Director	\$15.81	per hour										
Playground Specialized Instructor	\$13.76	per hour										
Playground Supervisor	\$11.60	per hour										
Playground Aides	\$8.25	per hour										
Swimming Director	\$15.81	per hour										
Swimming Instructors	\$12.96	per hour										
Swimming Teaching Aides (6)	\$134.83	per week										
PLANNING BOARD												
Planner(rate is hourly)	\$25.00	\$25.63	\$26.27	\$26.92	\$27.60	\$28.29	\$28.99	\$29.72	\$30.46	\$31.22	\$32.00	\$32.80
Planning Assistant	\$20.00	\$20.50	\$21.01	\$21.54	\$22.08	\$22.63	\$23.19	\$23.77	\$24.37	\$24.98	\$25.60	\$26.24
BOARD OF APPEALS												
Secretary	\$25.00	per hour										
FINANCE COMMITTEE												
Clerk	\$15.00	per hour										
CONSERVATION COMMISSION												
Conservation Administrator	\$22.55	23.11	23.69	24.28	24.89	25.51	26.15	26.80	27.47	28.16	28.87	29.59

SALARY ADMINISTRATION PLAN--FY 2010

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
FULL TIME EMPLOYEES												
OFFICE OF THE SELECTMEN												
Administrative Secretary	\$21.45	\$21.98	\$22.53	\$23.10	\$23.67	\$24.18	24.78	25.40	26.04	26.69	27.35	28.04
Assistant Town Administrator	\$57,399	\$58,834	\$60,305	\$61,812	\$63,358	\$64,941	\$66,565	\$68,229	\$69,935	\$71,683	\$73,475	\$75,312
OFFICE OF THE POLICE CHIEF												
Secretary	\$21.45	\$21.98	\$22.53	\$23.10	\$23.67	\$24.18	24.78	25.40	26.04	26.69	27.35	28.04
INFORMATION TECHNOLOGY												
IT Director	\$65,000	\$66,625	\$68,291	\$69,998	\$71,748	\$73,542	\$75,380	\$77,265	\$79,196	\$81,176	\$83,205	\$85,286
PUBLIC WORKS DEPARTMENT												
Superintendent	\$70,446	\$72,207	\$74,012	\$75,862	\$77,759	\$79,703	\$81,695	\$83,737	\$85,831	\$87,977	\$90,176	\$92,430
WWTP Manager	\$46,800	\$47,970	\$49,169	\$50,398	\$51,658	\$52,950	\$54,274	\$55,630	\$57,021	\$58,447	\$59,908	\$61,406
PART TIME EMPLOYEES												
OFFICE OF THE SELECTMEN												
Sealer of Weights and Measures Fee Basis												
Veteran's Agent Salary	\$5,500.00 annually											
Registrar of Voters	\$105.00 annually											
Clerk, Registrar of Voters	\$515.00 annually											
Inspector of Wires	Fee Basis											
Inspector of Animals	\$105.00 annually											
Lock-up Keeper	\$125.00 annually											
Gas Inspector	Fee Basis											
Assistant Gas Inspector	Fee Basis											
Clerk/Stenographer	\$10.55	\$11.16	\$11.78	\$12.40	\$12.71	\$13.02	\$13.33	\$13.63	\$14.26	\$14.62	\$14.99	\$15.36
OFFICE OF COUNCIL ON AGING												
Clerk	\$10.81 per hour											
OFFICE OF REGISTRARS												
Canvassers Fee set by Town Clerk												
Election Officers	\$8.50 per hour											

ARTICLE SEVEN: LANDFILL MONITORING APPROPRIATION

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of ten thousand (\$10,000) or any other sum to pay for the services of a Registered Professional Engineering firm and related services for updating the monitoring program at the Waltham St. Landfill as required by the Massachusetts Department of Environmental Protection;

To do or act thereon.

SPONSORED BY: Board of Health
APPROPRIATION: \$10,000
FINCOM RECOMMENDATION: At Town Meeting

Comments: The sum of money requested is an anticipated amount at the deadline for Town meeting articles. The Board of Health is currently awaiting a response from the Department of Environmental Protection for a request to reduce monitoring at some points. The Board of Health will be drafting an RFP once this guidance is received. We hope actual quotes from engineering firms will be received prior to Special Town Meeting. It is expected that the actual amount required will be less than \$10,000.

ARTICLE EIGHT: STORMWATER MANAGEMENT BYLAW REVISION

To see if the Town will vote to repeal Chapter XXIX: Stormwater Management and Land Disturbance Bylaw, repeal Chapter XXX: By-Law Governing Post-Construction Stormwater Management of New Developments and Redevelopments, and add Chapter XXIX: Stormwater Management By-Law, as follows:

Stormwater Management Bylaw

§ 1. General Provisions

A. Purpose.

The purpose of this Stormwater Management Bylaw is to:

- (1) Protect, maintain and improve the public safety, environment, health, and general welfare by preventing or diminishing stormwater impacts resulting from site development and land disturbance; and
- (2) Establish a mechanism by which the Town can meet the requirements of its National Pollutant Discharge Elimination System (NPDES) general permit.

B. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Statutes, and pursuant to the rules and regulations of the Federal Clean Water Act found at 40 CFR 122.34.

C. Compatibility with other permit and bylaw requirements.

This bylaw is not intended to interfere with, abrogate or annul the Maynard Storm Drain System Bylaw or any other bylaw, rule or regulation, statute, or other provision of law. The requirements of this bylaw should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

§ 2 Scope and applicability

A. Applicability.

This bylaw shall be applicable to any of the following activities:

- (1) Any activity that results in a land disturbance greater than one acre.
- (2) Any development project that:
 - (a) Requires a special permit or a special permit with site plan review under the Maynard Zoning Bylaw; or
 - (b) Requires approval of a definitive plan under the Massachusetts Subdivision Control Law.
- (3) Any activity that disturbs less than one acre if:
 - (a) The activity is part of a larger common plan of alteration or development that will disturb more than one acre; or.
 - (b) The new activity will result in a cumulative disturbance of more than one acre since the effective date of this bylaw, to land that is part of a larger parcel held in common ownership or control at any time since said date. For purposes of this Section, ownership by related or jointly controlled persons or entities shall be considered common ownership. In such cases, the new activity is prohibited until either:
 1. All activities that previously disturbed land as described in this Section 2.A.(3)(b) are brought into full compliance with the requirements and standards of this bylaw, or
 2. The application for permit under this bylaw for the new activity includes bringing the land previously disturbed into full compliance with requirements and standards of this bylaw. If the involved land is not currently in common ownership, all owners of the involved land must jointly apply for the permit.
- (4) A development or alteration of land shall not be segmented or phased in a manner to avoid compliance with this bylaw.
- (5) Alteration of the municipal separate storm sewer system (MS4): No person shall modify or remove any part of the MS4 including surface drainage or piping that crosses private property if it serves the public as part of the drainage system without prior approval of the Stormwater Authority and the Maynard Department of Public Works.

B. Permits and Exemptions.

No person shall alter land within the Town of Maynard meeting the applicability of this bylaw without having obtained a stormwater management permit, except as follows:

- (1) Any work or projects for which all necessary approvals and permits have been

- issued before the effective date of this bylaw;
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act, MGL c. 131, § 40, and its implementing regulations at 310 CMR 10.04;
 - (3) Normal maintenance of existing landscaping, gardens, or lawn areas;
 - (4) Stormwater discharges that are wholly subject to jurisdiction under the Wetlands Protection Act or the Maynard Wetland Administration Bylaw and demonstrate compliance with the Massachusetts Storm Water Management Standards for the entire project as reflected in an Order of Conditions or in a Determination of Applicability issued by the Conservation Commission.
 - (5) The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns;
 - (6) Emergency repairs to any stormwater management facility or practice that poses a threat to public safety or health, or as deemed necessary by the Stormwater Authority.
 - (7) Repair or replacement of an existing septic system.
 - (8) Construction of utilities (gas, water, electric, telephone, etc.) other than stormwater facilities, which will not alter terrain, ground cover, or drainage patterns, provided the work is performed in compliance with the Federal Clean Water Act, NPDES requirements and other applicable federal, state and local laws.
 - (9) Customary cemetery management within the limits of the existing improved cemetery grounds. This does not include cemetery expansion into undeveloped area.

§ 3. Definitions.

The definitions contained herein apply to the interpretation and implementation of this bylaw. Terms not defined in this section shall be as contained in the Massachusetts Stormwater Management Regulations and Stormwater Management Handbook. Any other terms not defined in the foregoing described documents shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning. Additional definitions may be adopted by separate regulation.

ALTER — Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

DEVELOPMENT — Any alteration, construction, disturbance, improvement or modification of land or structures to accommodate a use, expansion of use or redevelopment on a site.

DISTURB – See ALTER.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS shall mean the requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and quantity by requiring the implementation of a wide variety of stormwater management strategies.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – A conveyance or system of conveyances designed or used for collecting, recharging, treating and / or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, catch basin, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir or other drainage structures that comprise the storm drain system owned and operated by the Town of Maynard.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) — As authorized by the Federal Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

PERSON – The term PERSON as used in this bylaw shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Town of Maynard or agencies thereof, or any other legal entity or its legal representatives, agents or assigns.

RUNOFF — A term used to describe the water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into streams or other surface waters or land depressions.

SITE — The parcel of land being developed or a designated planning area in which the land development project is located.

STORMWATER — Water that accumulates on land because of storms, and can include runoff from urban areas such as roads and roofs.

STORMWATER AUTHORITY — The Town of Maynard Conservation Commission acting pursuant to this bylaw to administer, implement and enforce this bylaw and to adopt regulations pursuant to it. Also referred in this bylaw as the Commission.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT — A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

§ 4. Administration.

- A. The Stormwater Authority.
The Conservation Commission shall be the permit granting authority for the issuance of a stormwater management permit and shall administer, implement and enforce this bylaw. Such permit applications shall be submitted, considered and issued only in accordance with the provisions of this bylaw and regulations adopted pursuant to this bylaw. Any powers granted to or duties imposed on the Commission may be delegated in writing by

- the Commission to its employees or agents or other municipal employees as appropriate.
- B. Stormwater Management Regulations.
The Stormwater Authority may adopt and periodically amend rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, or consultant fees), procedures and administration of this bylaw after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least 14 days before the hearing date. After public notice and public hearing, the commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure of the Stormwater Authority to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.
- C. Stormwater Management Handbook and Massachusetts Stormwater Management Regulations.
Unless specifically altered by this bylaw or its regulations, the Stormwater Authority will use the latest accepted version of the Massachusetts Stormwater Management Regulations as contained in the Massachusetts Wetlands Protection Act Regulations at 310 CMR 10.05 (6)(k) and the Massachusetts Stormwater Handbook as issued by the Massachusetts Department of Environmental Protection, as these regulations and handbook may be amended from time to time, for criteria, policy, standards, stormwater systems design and engineering, compliance documentation requirements and general information for the execution of the provisions of this bylaw. Unless specifically altered in this bylaw and its regulations, the Stormwater Authority shall presume that stormwater management practices designed, constructed and maintained in accordance with the Massachusetts Stormwater Regulations and Stormwater Management Handbook meet the performance standards of this bylaw.
- D. Application for Permit
To file for a permit, an applicant shall submit an application to the Stormwater Authority conforming to the application requirements set forth in the regulations adopted pursuant to this bylaw. In the event that no regulations have been adopted, the application shall consist of the following:
- (1) A written request for a permit with a narrative describing the project and how the proposed project will meet the requirements of the bylaw and applicable regulations.
 - (2) Plans and documentation as necessary per the Massachusetts Stormwater Management Regulations and Massachusetts Stormwater Management Handbook as applicable for the scope of the project. These may include but are not limited to Existing Conditions Topographic Plan, Grading and Drainage Plan, Landscape Plan, Erosion and Sediment Control Plan, Stormwater Pollution Prevention Plan, Long Term Pollution Prevention Plan, Stormwater Systems Operation and Maintenance Plan, Stormwater Hydrologic Calculations, Soils Information and Testing Information, Stormwater System Design Calculations.
 - (3) Plans and Documentation shall be prepared, stamped and signed by Massachusetts registered professionals in compliance with applicable Massachusetts registration laws and regulations or, where such registration is not required for the scope and discipline relative to the project, the plans and documentation may be prepared by person(s) who can demonstrate to the satisfaction of the Stormwater Authority proficiency in the field of stormwater management as appropriate to the scope of the project.
 - (4) Application fee as required by the Regulations adopted under this bylaw.

- E. **Actions by the Stormwater Authority.**
Upon receipt of a complete application for a stormwater management permit, the Stormwater Authority shall review the application at a scheduled and duly posted public meeting within 21 days of receipt, and shall take final action within 21 days from the date of the meeting unless such time is extended by written agreement between the applicant and the Authority. The Stormwater Authority may take any of the following actions on an application for a stormwater management permit:
- (1) Approve the application;
 - (2) Approve the application with conditions; and / or waivers.
 - (3) Disapprove the application.
- F. **Waivers.**
The Stormwater Authority may waive strict compliance with the requirements of this bylaw or rules and regulations promulgated hereunder, if it determines that a particular requirement or requirements are unwarranted because of the size or character of the project and / or the natural conditions of the site, and where such action:
- (1) Is allowed by federal, state and local laws and regulations;
 - (2) Is in the overriding public interest; and
 - (3) Is not inconsistent with the purpose and intent of this bylaw.
- Any request for a waiver of any provision(s) of this bylaw or rules and regulations shall be submitted in writing to the Stormwater Authority at the time of Application. Such requests shall clearly identify the provision(s) from which relief is sought and shall include information setting forth the reasons why, in the Applicant's opinion, the granting of such a waiver would meet the waiver criteria contained in this section.
- G. **Appeals.**
The decisions or orders of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this bylaw shall be review able in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4.
- H. **Fees.**
The Stormwater Authority shall establish fees to cover expenses incurred by the Town in reviewing the application and monitoring permit compliance. As provided by GL Ch. 44 §53G, the Stormwater Authority may impose upon the applicant reasonable fees for the employment of outside consultants, engaged by the Stormwater Authority, for specific expert services.

§ 5. Enforcement

- A. **Enforcement authority.**
The Stormwater Authority shall enforce this bylaw and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D and Ch. XXV Non-Criminal Disposition of Bylaw Violations of the

- Town of Maynard General Bylaws.
- B. Penalties.
Any person violating this bylaw is subject to any applicable penalties or other legal enforcement action by the Town.
- C. Remedies not exclusive.
The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 6. Severability.

If any court of competent jurisdiction declares that any section, provision, paragraph, sentence, or clause of this bylaw, or any rule or regulation promulgated hereunder, is invalid or unconstitutional, any other section, provision, sentence or clause thereof, or other rule or regulation promulgated hereunder, shall remain in full force and effect;

To do or act thereon.

SPONSORED BY: Conservation Commission
APPROPRIATION: None
FINCOM RECOMMENDATION: No Recommendation

Comments: The two stormwater bylaws passed in Spring 2009 Special Town Meeting (Articles 10 and 11) are combined and updated in this new stormwater management bylaw.

ARTICLE NINE: AMEND BY-LAWS – CHAPTER XXV

To see if the Town will vote to amend Chapter XXV of the Town's bylaws (Non-Criminal Disposition of Bylaw Violations under an pursuant to M.G.L. Chapter 40, Section 21 D) to include the Stormwater Management Bylaw by adding or inserting the following:

Chapter XXIX: Stormwater Management Bylaw

Penalty	First Offense	- Written warning
	Each subsequent offense	- \$100

Each day that such violation continues shall constitute a separate offense.

Enforcing Person: Conservation Agent
Conservation Commissioner
Department of Public Works Director
Police Officer;

To do or act thereon.

SPONSORED BY: Conservation Commission
APPROPRIATION: None
FINCOM RECOMMENDATION: No Recommendation

Comments: This will allow the Conservation Agent, a Conservation Commissioner, DPW Director, or a Police Officer to enforce the Town's Stormwater Management Bylaw without having to file a criminal complaint. Passage of this Article is contingent on the approval of the proposed Stormwater Management Bylaw (Article 8).

ARTICLE TEN: MEMORIAL GYM CAPITAL APPROPRIATION

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of twenty five thousand dollars (\$25,000) or any other sum to pay for various short term capital improvements to the Maynard Memorial Gym;

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$25,000.00
FINCOM RECOMMENDATION: At Town Meeting

Comments:

This work is necessary to address heating issues and roof leaks to prevent further damage to the gym floor.

ARTICLE ELEVEN: AMEND RECREATION REVOLVING FUNDS

To see if the Town will vote to amend the Recreation Department Revolving Fund and authorize the use of the Recreation Department Revolving Fund under MGL, Chapter 44, Section 53E1/2, as amended, by the Recreation Department as follows:

Recreation Department: for the purpose of hiring one or more part-time instructors and to provide for their salaries and expenses and further to provide for the routine maintenance, repair and operation of the Memorial Gym, receipts totaling no more than \$20,000 in Fiscal Year 2010 from Recreation User Fees, said funds to be expended by the Recreation Commission;

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: This change in language will allow the Recreation Commission to fund maintenance costs as well programs through this account.

ARTICLE TWELVE: ACCEPTANCE OF MEALS TAX INCREASE

To see if the Town of Maynard will vote to accept G.L. c. 64L, § 2(a) to impose a local meals excise;

To do or act thereon.

SPONSORED BY: School Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

Approval of this statute will increase the local meals tax from 6.25% to 7.00% or (.75%). It is intended to replace a small portion of the \$500,000 in revenue lost through cuts in local aid. It is

projected to bring in approximately \$60,000 in FY2010 and in excess of \$100,000 in revenue in succeeding fiscal years.

ARTICLE THIRTEEN: REDUCE TOWN MEETING QUORUM

To see if the Town will vote to amend Chapter 1, Section 2 of the Maynard Town By-Laws by deleting the words "One Hundred (100)" in the first line of the paragraph and replacing them with the words "Zero (0)";

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At Town Meeting

Comments:

This article is intended to reduce the minimum number of voters necessary for a Town Meeting quorum from 100 to 0.

ARTICLE FOURTEEN: CONSERVATION ADMINSTRATOR SALARY

To see if the Town will vote to amend the Salary Administration Plan by adding a step plan for the Conservation Administrator.

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7
Step 8 Step 9 Step 10 Step 11 Step 12

CONSERVATION COMMISSION

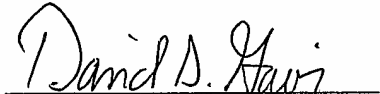
Conservation Administrator	\$23.23	23.81	24.41	25.02	25.64	26.28	26.94
	27.61	28.30	29.01	29.74	30.48;		

To do or act thereon.

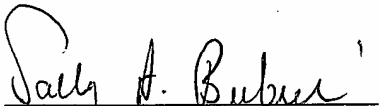
SPONSORED BY: Conservation Commission
APPROPRIATION: None
FINCOM RECOMMENDATION: Does Not Recommend

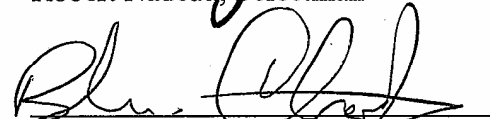
Comments: Note that Step 1 will be effective in FY10. The FY10 salary budget for the Conservation Commission included a salary increase for the Conservation Administrator and was approved at Spring Town Meeting in May 2009. However, no salary increase was approved at that time. This article will provide the salary increase (Step 1) that is consistent with the approved FY10 salary budget and will add a step plan for the Conservation Administrator (2.5% yearly increase).

Given under our hands this *29th* day of *September* in the year Two Thousand and Nine.


David D. Gavin, Chairman


Robert Nadeau, Selectman


Sally A. Bubier, Selectman


Brendon Chetwynd, Selectman

John J. Barilone II, Selectman